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August 16, 2010

**BY ECF**

Honorable Dennis M. Cavanaugh, U.S.D.J.  
United States District Court  
Frank R. Lautenberg U.S. Post Office & Courthouse  
1 Federal Square  
Newark, NJ 07102

**Re:     *Eli Lilly and Company v. Actavis Elizabeth LLC et al.,*  
Civil Action No. 07-3770 (DMC)(MF)**

Dear Judge Cavanaugh:

As Your Honor is aware, this firm represents Defendant Sun Pharmaceutical Industries Ltd. ("Sun") in the above-captioned matter.

Late last week, in finding the '590 patent invalid, Your Honor directed the parties "to submit a Judgment and Form of Order consistent with this Court's opinion." Op. 74. Over the weekend, though, Mylan jumped the gun—asking Your Honor to immediately enter final judgment—a step we believe was inconsistent with Your Honor's directive that the draft final judgment be submitted by the "*parties*." Op. 74 (emphasis added). Sun did not consent to Mylan's filing and objects to its entry. Indeed, at this point, Sun's attorneys have not even received feedback from our overseas client on Mylan's proposed judgment.

For many reasons, we respectfully submit it is critical that Your Honor avoid entering judgment on a defendant-by-defendant basis, something that could wreak severe harm in the marketplace. Thus, for the time being, Sun respectfully requests that Your Honor decline to enter Mylan's proposed judgment to give the parties—as contemplated by Your Honor's opinion—an opportunity to work on a joint proposal that might very well simplify the issues.

WINSTON & STRAWN LLP

Honorable Dennis M. Cavanaugh, U.S.D.J.

August 16, 2010

Page 2

We thank Your Honor for your attention to this matter. We are available to discuss these issues with Your Honor at your convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.S. Richter", written in a cursive style.

James S. Richter

cc: All Counsel of Record (by email)